

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**UNITED STATES**

**PLAINTIFF**

**v.**

**CASE NO. 4:14-CR-211 DPM**

**STEPHANIE WALKER**

**DEFENDANT**

**PRESENTENCE MEMORANDUM  
AND NOTICE THAT DEFENDANT  
WILL SEEK A VARIANCE**

The Court is well advised of the various steps of sentencing an individual in a criminal case. Therefore, those steps, having been delineated by the court previously will not be restated here.

Ms. Walker's presentence investigative report reflects that she is thirty-one (31) years of age and has one prior conviction, a misdemeanor, shoplifting. That occurred when she was twenty-two (22) years of age. In the instant case, she was living with her aunt and a companion of her aunt, and was basically enlisted to assist them from time to time in their illicit distribution of narcotics. Admittedly, she ultimately distributed some narcotics on her own, or as a continuance of the pattern set by her aunt and her companion (the companion of her aunt was also considered to be family).

Under the sentencing guidelines as set out in the presentence investigation report, this defendant meets the criteria set forth in 18 USC § 3553 (f)(1)-(5), or the

"safety valve" provision of the Sentencing Guidelines. In spite of this, under the guideline provisions, she is ineligible for probation.

However, at paragraph 62, the presentence report sets out the following:

Pursuant to 18 U.S.C. § 3553 (a)(1) and (2) the court could consider a sentence outside the advisory guideline system based on the history and characteristics of the defendant, and the need for the sentence imposed. Prior to the instant offense, the defendant had one misdemeanor offense for shoplifting. The Defendant has been on pretrial release for the instant offense since October 23, 2014, and there have been no reported violations of her conditions of release. A sentence outside of the advisory guideline range may be sufficient to reflect the seriousness of the offense, promote respect for the law, and address the needs of the offender.

This defendant will seek a variance from the guideline range in conformity with paragraph 62 of the presentence report and in conformity with the factors set out in 18 U.S.C. § 3553 (a) for sentencing persons to a term not greater than necessary to achieve the goals of sentencing individuals.

The Defendant will seek a probationary sentence in this matter.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Richard L. Hughes, certify that the foregoing was filed electronically with the Clerk via the CM/ECF filing system, and that the following attorneys of record were provided a copy this 9th day of June, 2016:

Chris Givens  
via e-mail at [chris.givens@usdoj.gov](mailto:chris.givens@usdoj.gov)

/s/ Richard L. Hughes  
Richard L. Hughes